

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re Flint Water Cases.

Judith E. Levy
United States District Judge

_____/

This Document Relates To:

Bellwether II Cases

_____/

**JOINT STIPULATION REGARDING SCHEDULING ORDER FOR
BELLWETHER II TRIAL**

Bellwether II Plaintiffs (Plaintiffs) and Defendants Veolia Water North America Operating Services, LLC, Veolia North America, Inc., and Veolia North America, LLC (VNA) hereby stipulate and agree to modify and extend the current schedule for the Bellwether II Trial (ECF No. 2607), and state as follows:

WHEREAS, pursuant to Section X.B of the Third Amended Case Management Order (ECF No. 1131), one-hundred (100) plaintiffs from the Bellwether II Group were randomly selected to comprise Pool One and to provide fact sheets and authorizations for release of records and documents;

WHEREAS, on February 24, 2023, the Parties selected forty (40) plaintiffs from Pool One to comprise Pool Two Claimants to be subject to further written discovery under the then-operative Bellwether II Scheduling Order (ECF No. 2430);

WHEREAS certain Pool Two Claimants did not fully respond to VNA's written discovery by the June 26, 2023, deadline, and the Parties have stipulated and agreed to extend the Bellwether II schedule including the date for selecting fourteen (14) Pool Two Claimants to comprise the Pool Three Claimants who will be subject to further discovery including testimonial depositions (ECF Nos. 2518, 2534, 2607);

WHEREAS, under the current schedule (ECF No. 2607), the deadline for Pool Two Claimants to fully respond to VNA's written discovery was October 10, 2023;

WHEREAS, as of the date of this Joint Stipulation, certain Pool Two Claimants failed to cure the deficiencies in their responses to VNA's written discovery;

WHEREAS fourteen (14) of the Pool Two Claimants have failed to supplement their deficient responses to VNA's written discovery and, in addition, have been nonresponsive to Plaintiffs' attorneys' efforts to communicate with them;

WHEREAS the other twenty-six (26) Pool Two Claimants have supplemented their discovery responses but their responses remain deficient in certain respects that VNA's counsel will identify for Plaintiffs' counsel;

WHEREFORE, the Parties hereby jointly stipulate and agree to the following and request that the Court enter an order granting their Joint Stipulation:

1. Fifty (50) additional plaintiffs who were not included in Pool One will be randomly selected from the Bellwether Two Group to provide fact sheets

and authorizations for release of records and documents. Plaintiffs' counsel will make good-faith efforts to determine that the newly selected plaintiffs are responsive after the selection of these fifty (50) additional plaintiffs for Pool One. The newly selected plaintiffs who provide fact sheets and authorizations for the release of medical records and documents, and are therefore responsive, will be subject to written discovery and will replace the nonresponsive Pool Two Claimants.¹ In the event Plaintiffs' counsel determines that any plaintiff is non-responsive, Plaintiffs' counsel shall promptly notify VNA.

2. The twenty-six (26) other Pool Two Claimants who previously have been responsive to Plaintiffs' counsel will supplement their written discovery responses to cure the deficiencies that VNA's counsel will identify.

3. The current schedule for the Bellwether II Trial (ECF No. 2607) will be amended to implement those modifications as follows:

Event	Current Deadline	Proposed Deadline
The Parties will utilize a random selection process to select fifty (50) plaintiffs from the Bellwether II Group who were not included in Pool One.	n/a	November 20, 2023

¹ VNA reserves the right to move to dismiss the fourteen (14) nonresponsive Pool Two Claimants, but the Parties have not reached any agreement relating to that issue.

Event	Current Deadline	Proposed Deadline
Each of the additional fifty (50) plaintiffs shall provide to counsel completed Plaintiff Fact Sheets together with Authorizations for release of records and documents.	n/a	January 19, 2024
The twenty-six (26) previously selected Pool Two Claimants will supplement written discovery responses to cure all deficiencies.	October 10, 2023	January 19, 2024
Defendants serve deficiencies in the Plaintiff Fact Sheets from the additional (50) plaintiffs.	n/a	January 26, 2024
Deficiencies in the Plaintiff Fact Sheets shall be cured. Defendants may begin to serve written discovery on the additional (50) plaintiffs.	n/a	February 9, 2024
Deadline for the additional (50) plaintiffs to fully respond to all written discovery, including providing any additional requested waivers for medical or other information.	n/a	March 8, 2024
Counsel for Plaintiffs and counsel for Defendants shall each identify seven (7) claimants from among the Pool Two Claimants who will be engaged in further discovery (Pool Three Claimants). ² If there is overlap between the Pool Three	November 9, 2023	March 22, 2024

² Defendants must receive satisfactory discovery responses and resolve any disputes regarding Pool Two discovery 21 days prior to Pool Three selection. (See ECF No.

Event	Current Deadline	Proposed Deadline
Claimants initially identified by the two sides, selection of additional Pool Three Claimants shall proceed in the manner described in the CMO until a total of fourteen (14) Pool Three Claimants have been selected.		
Defendants may begin noticing home inspections and testimonial depositions of the fourteen (14) Pool Three Claimants and witnesses in accordance with CMO 5 (except that depositions may be noticed 15 days in advance of taking them).	November 9, 2023	March 22, 2024
Merits discovery complete for Pool Three Claimants.	February 7, 2024	June 14, 2024
Plaintiffs to provide expert disclosures and reports. The Plaintiffs shall include in the disclosure three dates on which each expert is available for deposition within sixty (60) days of the disclosure. All plaintiffs alleging personal injuries must be available for Rule 35 examinations starting ten (10) days after plaintiffs' expert disclosures and reports are served.	February 8, 2024	June 17, 2024

Event	Current Deadline	Proposed Deadline
Defendants to provide expert disclosures and reports. The Defendants will include in the disclosure three dates on which each expert is available for deposition within sixty (60) days of the disclosure.	May 8, 2024	September 16, 2024
Plaintiffs to provide expert rebuttal reports.	June 19, 2024	November 4, 2024
Defendants to provide expert rebuttal reports.	July 31, 2024	November 25, 2024
Reply expert report depositions.	August 2 to 9, 2024	November 28 to December 1, 2024
The parties each identify two (2) plaintiffs, for a total of four (4), to continue to Pool Four. ³	August 26, 2024	December 4, 2024
Daubert and Summary Judgment Motions	October 4, 2024	January 10, 2025
Daubert and Summary Judgment Response Briefs	November 15, 2024	February 21, 2025
Daubert and Summary Judgment Reply Briefs	December 16, 2024	March 24, 2025
Oral Argument on Daubert Motions	February 4, 2025 2:00pm cont'd if needed on February 5, 2025 2:00 PM	April 14, 2025 2:00pm cont'd if needed on April 15, 2025 2:00 PM
Oral Argument on Summary Judgment Motions	February 6, 2025 2:00pm cont'd if needed on February 7, 2025 2:00 PM	April 16, 2025 2:00pm cont'd if needed on April 17, 2025 2:00 PM
Deadline for Parties to Submit Joint Proposed Jury Questionnaire to the Court (via e-mail)	April 18, 2025	April 18, 2025
Status Conference on Jury	April 25, 2025	April 25, 2025

³ Defendants must receive satisfactory discovery responses and resolve any disputes regarding Pool Three discovery 21 days prior to Pool Four selection.

Event	Current Deadline	Proposed Deadline
Questionnaire Content	2:00 PM	2:00 PM
Motions in Limine – Opening briefs	May 2, 2025	May 2, 2025
Motions in Limine – Response briefs	May 16, 2025	May 16, 2025
Motions in Limine – Reply Briefs	May 23, 2025	May 23, 2025
Deadline for Parties to Ship 200 copies of Juror Questionnaires to Judge Levy’s Chambers in Ann Arbor, Michigan	June 3, 2025	June 3, 2025
Deposition Designations (due for exchange between parties)	<i>Parties to propose deadline</i>	<i>Parties to propose deadline</i>
Objections to Deposition Designations and Counter-Designations (due for exchange between parties)	<i>Parties to propose deadline</i>	<i>Parties to propose deadline</i>
Hearing on motions in limine (the Court will notify the parties in advance as to which motions will be argued)	June 10, 2025 10:30am	June 10, 2025 10:30am
Summoned Jurors to Courthouse to Answer Questionnaires (Court Staff Only) (Jury Department takes approximately one week to process questionnaires and make them available to counsel and the Court)	June 10, 2025	June 10, 2025
Deadline for Submitting Deposition Designations Matrices and Highlighted Transcripts to the Court (via e-mail)	June 18, 2025	June 18, 2025
Parties to File Jointly Proposed Jury Instructions and Verdict Form	June 18, 2025	June 18, 2025
Parties to Submit Joint Final Pretrial Order (use Utilities function in CM/ECF and e-mail)	June 18, 2025	June 18, 2025

Event	Current Deadline	Proposed Deadline
Parties to Submit Jointly Proposed Voir Dire Questions and Joint Statement of the Case (via e-mail)	June 24, 2025	June 24, 2025
Status Conference Regarding Excusals Based on Jury Questionnaire Responses	TBD	TBD
Final Pretrial Conference and Hearing on proposed Jury Instructions and Verdict Form	June 25, 2025 10:30am cont'd if needed on June 26, 2025 10:30am	June 25, 2025 10:30am cont'd if needed on June 26, 2025 10:30am
Deadline for Court to Inform Jury Dept of Excusals Based on Questionnaires (Court Staff Only)	July 7, 2025	July 7, 2025
Hearing Regarding Misc. Pretrial Matters (if needed)	July 14, 2025 10:30am	July 14, 2025 10:30am
First Day of Trial/Voir Dire	July 15, 2025 8:30am	July 15, 2025 8:30am

Dated: November 16, 2023

Respectfully submitted,

CAMPBELL CONROY &
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